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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Ke	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/001749	International filing date (day/month/year) 20 February 2003 (20.02.2003)	Priority date (day/month/year) 21 February 2002 (21.02.2002)
International Patent Classification (IPC) or national classification and IPC B24B 13/06		
Applicant ASPHERICON GMBH		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>1</u> sheets.
3.	This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 08 September 2003 (08.09.2003)	Date of completion of this report 09 June 2004 (09.06.2004)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/EP2003/001749

I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed☒ the description:pages 1-11, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☒ the claims:pages 1-16,22,24-37, as originally filed

pages _____, as amended (together with any statement under Article 19

pages _____, filed with the demand

pages 17-21,23, filed with the letter of 19 May 2004 (19.05.2004)☒ the drawings:pages 1/9-9/9, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☐ The amendments have resulted in the cancellation of:☐ the description, pages _____☐ the claims, Nos. _____☐ the drawings, sheets/fig _____5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-37	YES
	Claims		NO
Inventive step (IS)	Claims	1-37	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-37	YES
	Claims		NO

2. Citations and explanations

1. Document FR 2 448 417 A (D1) discloses (see page 21, lines 13-35) a method from which the subject matter of claim 1 differs in that the free-form surface is divided into different partial zones and the contact pressure and speed of the tool are calculated for every partial zone by a linear equation system.

Since this feature improves the end result of the method and is not suggested by the known prior art, the subject matter of the claim meets the PCT requirements for novelty and inventive step.

2. Claims 2 to 16 and 36 are dependent on claim 1 and therefore likewise satisfy the PCT requirements for novelty and inventive step.

3. Independent claims 17, 18, 19 and 20 can be interpreted to implicitly contain the features of claim 1, which substantiate an inventive step. Consequently, they are considered to satisfy the PCT requirements for novelty and inventive step.

4. Claims 21 to 35 and 37 are dependent on claim 19 and therefore likewise satisfy the PCT requirements for

novelty and inventive step.

5. Although claims 17 and 18, and 19 and 20, are drafted as separate independent claims, they seem in fact to relate to the same subject matter, the only apparent difference being in the definition of the subject matter for which protection is sought. The claims are therefore not concise and do not satisfy the requirements of PCT Article 6.

6. Claim 19 was interpreted as if the phrase "for example" had been deleted (the present wording is unclear (PCT Article 6)).

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

The claims submitted by fax on 19 May 2004 do not contain a claim 18. The second paragraph of claim 17 is regarded as claim 18.